

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MELVIN L. VIRGIL

Plaintiff,

-against-

ANSWER

AARON FINN, Corrections Officer, ALEXANDER J.
CONSTANTINI, Corrections Officer, P. LANGDON,
Corrections Officer, JOHN DOE 1-8, Corrections Officers, in
their individual capacities,

Case No. 7:22-CV-
3169

Defendants.

Defendant Alexander J. Costantini, improperly sued as Alexander J. Constantini (“Defendant” or “Defendant Costantini”, by and through his attorney, Scott Iseman of Iseman PLLC, answers Plaintiff’s complaint in the above-captioned matter as follows:

1. Defendant denies knowledge or information sufficient to form a basis to answer this allegation.
2. Denied as to all allegations related to the Defendant’s conduct and Defendant denies knowledge or information sufficient to form a basis to answer all remaining claims in this paragraph.
3. Defendant refers all questions of law to the court and further denies knowledge or information sufficient to form a basis to answer this allegation.
4. Defendant refers all questions of law to the court and further denies knowledge or information sufficient to form a basis to answer this allegation.
5. Defendant denies knowledge or information sufficient to form a basis to answer this allegation.
6. Defendant denies knowledge or information sufficient to form a basis to answer this

allegation.

7. Defendant denies knowledge or information sufficient to form a basis to answer this allegation as no time period is alleged in this paragraph. Defendant admits to being employed as a corrections officer and employee of the Department of Corrections and Community Supervision on March 19, 2020. Defendant denies knowledge or information sufficient to form a basis to answer all remaining claims in this paragraph.
8. Defendant denies knowledge or information sufficient to form a basis to answer this allegation.
9. Defendant refers all questions of law to the court and further denies knowledge or information sufficient to form a basis to answer this allegation.
10. Defendant denies knowledge or information sufficient to form a basis to answer this allegation.
11. Defendant denies knowledge or information sufficient to form a basis to answer this allegation.
12. Defendant denies knowledge or information sufficient to form a basis to answer this allegation.
13. Defendant denies knowledge or information sufficient to form a basis to answer this allegation.
14. Defendant denies knowledge or information sufficient to form a basis to answer this allegation.
15. Defendant denies knowledge or information sufficient to form a basis to answer this allegation.
16. Defendant denies knowledge or information sufficient to form a basis to answer this

allegation.

17. Defendant denies knowledge or information sufficient to form a basis to answer this allegation.

18. Defendant denies knowledge or information sufficient to form a basis to answer this allegation.

19. Defendant denies knowledge or information sufficient to form a basis to answer this allegation.

20. Defendant denies knowledge or information sufficient to form a basis to answer this allegation.

21. Defendant denies knowledge or information sufficient to form a basis to answer this allegation.

22. Defendant denies knowledge or information sufficient to form a basis to answer this allegation.

23. Defendant denies knowledge or information sufficient to form a basis to answer this allegation.

24. Defendant denies knowledge or information sufficient to form a basis to answer this allegation.

25. Defendant denies knowledge or information sufficient to form a basis to answer this allegation.

26. Defendant denies knowledge or information sufficient to form a basis to answer this allegation.

27. Defendant denies knowledge or information sufficient to form a basis to answer this allegation.

28. Defendant denies knowledge or information sufficient to form a basis to answer this allegation.
29. Defendant denies knowledge or information sufficient to form a basis to answer this allegation.
30. Defendant denies knowledge or information sufficient to form a basis to answer this allegation.
31. Defendant denies knowledge or information sufficient to form a basis to answer this allegation.
32. Defendant denies knowledge or information sufficient to form a basis to answer this allegation.
33. Defendant denies knowledge or information sufficient to form a basis to answer this allegation.
34. Defendant denies knowledge or information sufficient to form a basis to answer this allegation.
35. Defendant denies knowledge or information sufficient to form a basis to answer this allegation.
36. Defendant denies knowledge or information sufficient to form a basis to answer this allegation.
37. Defendant denies knowledge or information sufficient to form a basis to answer this allegation.
38. Defendant denies knowledge or information sufficient to form a basis to answer this allegation.
39. Defendant denies knowledge or information sufficient to form a basis to answer this

allegation.

40. Defendant denies knowledge or information sufficient to form a basis to answer this allegation.

41. Defendant denies knowledge or information sufficient to form a basis to answer this allegation.

42. Defendant denies knowledge or information sufficient to form a basis to answer this allegation.

43. Defendant refers all questions of law to the court. Defendant denies knowledge or information sufficient to form a basis to answer all remaining claims in this paragraph.

44. Defendant denies knowledge or information sufficient to form a basis to answer this allegation.

45. Defendant refers all questions of law to the court. Defendant denies knowledge or information sufficient to form a basis to answer all remaining claims in this paragraph.

AS AND FOR AN ANSWER TO THE FIRST CLAIM FOR RELIEF

46. Defendant repeats and realleges each response set forth above.

47. Defendant refers all questions of law to the court. Defendant denies knowledge or information sufficient to form a basis to answer this allegation.

AS AND FOR AN ANSWER TO THE SECOND CLAIM FOR RELIEF

48. Defendant repeats and realleges each response set forth above.

49. Denied as to the Defendant's conduct and denies knowledge or information sufficient to form a basis to answer all remaining claims in this paragraph.

PLEASE TAKE NOTICE THAT THE DEFENDANT ASSERTS THE FOLLOWING AFFIRMATIVE DEFENSES:

1. Plaintiff's claims are barred, in whole or in part, by the applicable statute of limitations.
2. Plaintiff fails to state a cause of action against the Defendant.
3. Plaintiff has failed to exhaust all administrative remedies related to the claims raised in the complaint.
4. The conduct allegedly attributable to the Defendant is justified and/or privileged, in whole or in part, under the doctrine of Self-Defense.
5. Plaintiff is barred, in whole or in part, from recovering for any alleged damages under the doctrine of Assumption of the Risk.
6. Defendant is entitled to the protections of immunity and qualified immunity.
7. The damages and injuries alleged by the Plaintiff were caused, in whole or in part, by the Plaintiff's culpable, negligent, reckless and/or willful conduct or by the negligent, reckless and/or willful conduct or omissions of third parties over whom the Defendant had no control or reasonable ability to control.
8. The Defendant acted in good faith and as necessary to protect the Plaintiff from injury.

PLEASE TAKE NOTICE THAT THE DEFENDANT DEMANDS TRIAL BY JURY

WHEREFORE, the Defendant requests that the court dismiss the complaint of the plaintiff against him, with costs and disbursements to the Defendant, together with any other relief the court finds just and proper.

DATED: October 17, 2022

ISEMAN PLLC

By:

A handwritten signature in black ink, appearing to read 'Scott Iseman', written over a horizontal line.

Scott Iseman

Attorney for Defendant

125 High Rock Ave. Suite 215-H

Saratoga Springs, NY 12866

scott@scottisemanlaw.com

(518) 416-2158

Bar Roll Id: SI1609

To: Plaintiff and all parties via ECF

CERTIFICATE OF SERVICE

I certify that on October 17, 2022, I filed a true and accurate copy of Defendant's Answer to the Plaintiff's Complaint in this action through the court's electronic case filing ("ECF") system and served a copy of the foregoing Answer on Plaintiff's counsel: Benjamin D. White Bloch & White LLP 152 West 57th Street. New York, NY 10019 and all parties appearing in this action through ECF.

DATED: October 17, 2022

ISEMAN PLLC

By: 

Scott Iseman
Attorney for Defendant
125 High Rock Ave. Suite 215-H
Saratoga Springs, NY 12866
scott@scottisemanlaw.com
(518) 416-2158
Bar Roll Id: SI1609